

**REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1 and 3-34 are pending in this application. By this Amendment, claims 1, 5, 10, 11, 21-25, 27-29, and 32 are amended; claim 2 has been cancelled without prejudice to disclaimer of the subject matter contained therein; and claim 35 is added. No new matter is added. Claims 1, 23, and 29 are the independent claims.

Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O.

Applicants also appreciate the Examiner's indication that the Information Disclosure Statements filed on June 3, 2005 and June 27, 2005, have been considered.

Applicants also respectfully note that the present action does not indicate that the drawings have been accepted by the Examiner. Applicants respectfully request that the Examiner's next communication include an indication as to the acceptability of the filed drawings or as to any perceived deficiencies so that the Applicants may have a full and fair opportunity to submit appropriate amendments and/or corrections to the drawings.

**Allowable Subject Matter**

Claims 2-27 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

Accordingly, independent claims 1 and 23 have been amended to include the subject matter of allowable claim 2. Therefore, Applicant respectfully submits that

claims 1 and 3-34 are now in condition for allowance, and a notice to such effect is respectfully requested.

Further, the Examiner offers several reasons why the claims of the present application are allowable over the prior art of record. Although Applicant agrees that the various claimed limitations mentioned in the claims are not taught or suggested by the prior art taken either singly or in combination, Applicant wishes to emphasize that it is each claim, taken as a whole, including the interrelationships and interconnections between various claimed elements which is allowable over the prior art of record.

#### **Claim Objections**

Claims 23 and 29 are objected to for informalities. By this Amendment, claims 23 and 29 have been amended, taking into consideration the Examiner's suggestions, to obviate the objections. Withdrawal of the objections is respectfully requested.

#### **Claim Rejections - 35 U.S.C. § 112**

Claims 10 and 21-34 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

By this Amendment, claims 10 and 21-34 have been amended, taking into consideration the Examiner's suggestions, to obviate the rejections. Withdrawal of the rejections is respectfully requested.

**Claim Rejections - 35 U.S.C. § 102**

Claims 1-8, 12-14, 16-19, 23, 24 and 32 are rejected under 35 U.S.C. § 102(b) as being anticipated by HT Medical Systems (WO 99/39317).

By the instant amendment, independent claims 1 and 23 have been amended to include the allowable subject matter of claim 2. Accordingly, claims 1 and 23 are believed to be in condition for allowance, and a notice to such effect is respectfully requested.

Further, because the remaining claims, *viz.* claims 2-8, 12-14, 16-19, 24, and 32 depend, either directly or indirectly, from claims 1 or 23, claims 2-8, 12-14, 16-19, 24, and 32 are believed to be similarly allowable as depending from an allowable base claim.

Accordingly, reconsideration and withdrawal of the rejections of claims 1-8, 12-14, 16-19, 23, 24 and 32 are respectfully requested.

**Claim Rejections - 35 U.S.C. § 103**

Claims 9-11, 15, 20-22, 28-31, 33, and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over HT Medical Systems.

As similar discussed above, because the remaining claims, *viz.* claims 9-11, 15, 20-22, 28-31, 33, and 34 depend, either directly or indirectly, from claims 1 or 23, claims 9-11, 15, 20-22, 28-31, 33, and 34 are believed to be similarly allowable as depending from an allowable base claims 1 or 23.

Accordingly, reconsideration and withdrawal of the rejections of claims 9-11, 15, 20-22, 28-31, 33, and 34 are respectfully requested.

**CONCLUSION**

In view of the above remarks and amendments, Applicant respectfully submits that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. Further, the above remarks demonstrate the failings of the outstanding rejections, and are sufficient to overcome the rejections. However, these remarks are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied prior art. Accordingly, Applicant does not contend that the claims are patentable solely on the basis of the particular claim elements discussed above.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant hereby petitions for a three (3) month extension of time for filing a reply to the outstanding Office Action and submit the required \$1110.00 extension fee herewith.

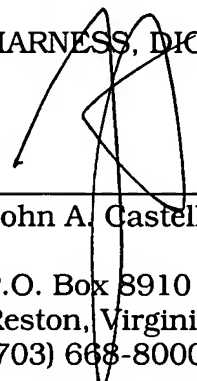
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNES, DICKEY, & PIERCE, P.L.C.

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